

MEMORANDUM

Agenda Item No. 14(A)(2)

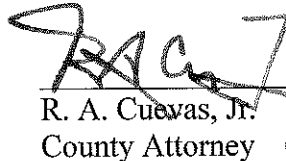
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution approving and
ratifying execution of an
amendment to Article 29
Wages and Article 54
Bereavement and Emergency
Sick Leave of the 2011-14
Collective Bargaining
Agreement between Miami-
Dade County and the American
Federation of State, County,
and Municipal Employees
(AFSCME), Miami-Dade
County Aviation Employees
Local 1542

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

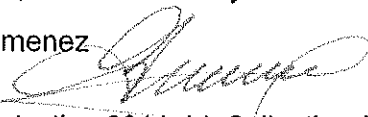
RAC/jls

Memorandum



Date: June 5, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Amendment to the 2011-14 Collective Bargaining Agreement Between Miami-Dade County, and the American Federation of State, County and Municipal Employees (AFSCME), Miami-Dade County Aviation Employees Local 1542, Article 29 Wages and Article 54 Bereavement and Emergency Sick Leave

Recommendation

It is recommended that Article 29 Wages (Attachment 1) and Article 54 Bereavement and Emergency Sick Leave (Attachment 2) of the 2011-14 Collective Bargaining Agreement (Agreement) between Miami-Dade County and the American Federation of State, County and Municipal Employees, Miami-Dade County Aviation Employees Local 1542 (Union) be approved by the Board of County Commissioners (Board).

The terms of Article 29 will require a nine percent (9%) contribution of employee's base wages towards the County's cost of healthcare, versus ten percent (10%) in the current Agreement. The terms of Article 54 comply with the County Leave Manual and Miami-Dade County Resolution R-326-10.

Scope

The impact of this agenda item is countywide.

Fiscal Impact/Funding Source

When the Board approved the reduction of a \$10 million contribution to the group health trust fund, it was assumed that contributions from Union members would also be adjusted from ten percent (10%) to nine percent (9%). Therefore, there is no additional fiscal impact to the trust fund. The value of a one percent contribution reduction from Union members in FY 2011-12 (effective December 12, 2011) is estimated at \$348,000.

Track Record/Monitor

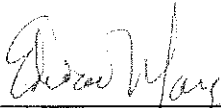
The Director of Labor Management and Compensation monitors and oversees the administration of this collective bargaining agreement.

Background

The Board ratified on December 6, 2011, through Resolution R-1029-11, the successor 2011-14 Agreement. The terms of Article 29 of this ratified Agreement required employees to contribute ten percent (10%) of base wages toward the County's cost of health care. Following the ratification of this Agreement, the Board resolved the Impasse of the County's eight remaining successor 2011-14 Agreements, by requiring employees to contribute an additional four percent (4%) of employees' base wages, for a total of nine percent (9%), to defray the County's cost of health care. Following the impasse resolution, the County agreed to re-open Article 29 Wages, of the Union's Agreement, to re-negotiate employees' contribution towards the County's cost of health care. An agreement was reached to reduce the healthcare contribution to a total of nine percent (9%) and to grant an automatic adjustment to Union members in the event that another bargaining unit negotiates an additional reduction.

The terms of Article 54 of this ratified Agreement omitted the five (5) days of Emergency Bereavement Leave in the event of a death of the employee's mother-in-law or father-in-law, as defined in the County Leave Manual and Miami-Dade County Resolution R-326-10. Article 54 also contained a scrivener's error that granted five (5) days of leave instead of three (3) days of leave for a life-threatening illness in the immediate family as defined in the County's Leave Manual.

Attachments



Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012


FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 14(A)(2)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(2)
6-5-12

RESOLUTION NO. _____

RESOLUTION APPROVING AND RATIFYING EXECUTION
OF AN AMENDMENT TO ARTICLE 29 WAGES AND
ARTICLE 54 BEREAVEMENT AND EMERGENCY SICK
LEAVE OF THE 2011-14 COLLECTIVE BARGAINING
AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE
AMERICAN FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE
COUNTY AVIATION EMPLOYEES LOCAL 1542

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves and ratifies the Mayor's action in executing the attached amendment to Article 29 Wages (Attachment 1) and Article 54 Bereavement and Emergency Sick Leave (Attachment 2) of the 2011-14 Collective Bargaining Agreement between Miami-Dade County, and the American Federation of State, County and Municipal Employees (AFSCME), Miami-Dade County Aviation Employees Local 1542 in substantially the form attached hereto and made a part hereof.

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The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

ljk.

Lee Kraftchick

ADDENDUM TO COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY
AND AFSCME LOCAL 1542


Article 29 WAGES

Effective December 12, 2011, ~~Upon ratification of this agreement,~~ all bargaining unit members shall be required to contribute nine ten percent (40 9%) of base wages toward the County's cost of health care.

In the event that during the term of this Agreement, another County collective bargaining unit's collective bargaining agreement is modified to receive negotiates and/or receives a reduction in the contribution rate towards the County's cost of health care that is lower than the 9% contribution rate provided for in this Agreement, the contribution required by the employees covered by this Agreement shall be automatically adjusted to the lowest rate received by another Union unless the reduction to the contribution rate of another Union was made in conjunction with a change in wages, benefits, supplemental pay, work rules and/or other change in terms and conditions of employment in the collective bargaining agreement. In the event that the reduction to the contribution rate is made in conjunction with any of the aforementioned changes, the Union will have the right to re-open this article within 30 days of such change in the collective bargaining agreement being implemented with another Union with any resulting agreement from such re-opener to be effective no sooner than October 1, 2012. In the event that the Union timely elects to reopen this provision and the parties are unable to reach an agreement, the dispute shall be submitted to the County Commission, with the parties' mutual waiver of any right to a hearing before a Special Magistrate, for final resolution of the impasse in accordance with the requirements of State law.

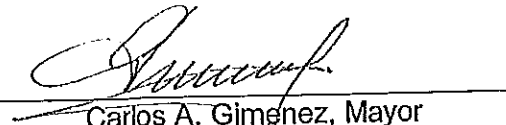
Effective January 1, 2014, the monies comprising the nine ten percent (40 9%) (or as otherwise modified) health care contribution shall be reinstated to the employees' pay, provided however, that the County shall have the right to re-open this provision of the Collective Bargaining Agreement beforehand to negotiate whether these reductions will be continued. In the event that the County chooses to reopen this provision and the parties are unable to reach an agreement, the dispute shall be submitted to the County Commission, with the parties' mutual waiver of any right to a hearing

before a Special Magistrate, for final resolution of the impasse in accordance with the requirements of State law.

By: 
Antonio M. Eiroa, President


Witness

3-2-2012
Date

By: 
Carlos A. Gimenez, Mayor


Witness

2/23/12
Date

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**ADDENDUM TO COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-
DADE COUNTY AND AFSCME LOCAL 1542**

Article 54 BEREAVEMENT AND EMERGENCY SICK LEAVE

Full-time employees will be granted five (5) days of bereavement leave with pay in the event of a death in the immediate family, as provided in the County's Leave Manual and Miami-Dade County Resolution No. R-326-10.


Full-time employees will also be granted five (5) days of Emergency Bereavement Leave, as defined in the County Leave Manual and Miami-Dade County Resolution No. R-326-10, in the event of a death of the employee's mother-in-law or father-in-law.

For life-threatening illnesses in the immediate family as defined in the County's Leave Manual, employees will be entitled to ~~five~~ three (3) days off per leave year chargeable from the employee's sick leave accrual.

Employees eligible for bereavement leave or emergency sick leave shall obtain advance approval whenever possible from an appropriate level supervisor prior to using such leave.

Part-time employees are not eligible for bereavement leave but are eligible for emergency sick leave.

By:


Antonio M. Elroa, President

By:

Carlos A. Gimenez, County Mayor



Witness

Witness

5-21-2012

Date

Date